

tyco**Healthcare****Kendall**

NOV 07 2005

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Date November 7, 2005
Company U.S. PATENT & TRADEMARK OFFICE
Attention Commissioner for Patents
 Mail Stop Missing Parts
Fax No. (571) 273-8300
From Elizabeth A. O'Brien
Subject Application Serial No. 10/536,545
 IA Filing Date: 08/20/2004
 Title: Surgical Instrument
 Art Unit: Unassigned
No. of Pgs. 11

Honorable Commissioner:

Applicant herewith submits the following documents in connection with the subject application:

- Response to Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US);
- Certificate of Transmission;
- Declaration for Utility of Design Patent Application, Form PTO/SB/01;
- Power of Attorney and Correspondence Address Indication Form;
- Copy of Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US);

Respectfully submitted,

Elizabeth A. O'Brien
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NOV 07 2005

PATENT
Atty. Docket No. S-8500 US (1)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(s): Larry Salvadori, et al.

EXAMINER: To Be Determined

SERIAL NO.: 10/536,545

ART UNIT: To Be Assigned

INT'L APPLN. NO. PCT/US04/27011

I.A. FILING DATE: August 20, 2004

TITLE: *Surgical Instrument*

Mail Stop Missing Parts
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

**RESPONSE TO NOTICE TO FILE MISSING REQUIREMENTS UNDER 35 U.S.C. 371
IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

Honorable Commissioner:

In response to the Notice to File Missing Requirements under 35 U.S.C. 371 dated September 16, 2005, Confirmation No. 9818, Applicant herewith encloses the executed Declaration for Utility or Design Patent Application in compliance with 37 CFR §1.497(a) and (b). Also enclosed is are Power of Attorney forms and a copy of the Notice to File Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office as required.

Kindly charge any relevant fees to Deposit Account No. 190254.

Respectfully submitted,

Elizabeth A. O'Brien, Esq.
 Atty. Registration No. 46,238
 Attorney for Applicant
 TYCO HEALTHCARE GROUP LP
 15 Hampshire Street
 Mansfield, MA 02048
 Tel: (508) 261-8513

Date: November 7, 2005**CERTIFICATE OF TRANSMISSION UNDER 37 CFR 51.8**

The undersigned hereby certifies that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office to Facsimile No. (571) 273-8300 on the date set forth below.

By: Julie D. Parker
 Julie D. Parker

Date: Nov. 7, 2005



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Director, COMMISSIONER FOR PATENTS
 P.O. Box 1410
 Alexandria, Virginia 22313-1450
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/536,545	Larry Salvadori	20518/51 (S-8500)
INTERNATIONAL APPLICATION NO.		
PCT/US04/27011		
I.A. FILING DATE	PRIORITY DATE	
08/20/2004	08/21/2003	
CONFIRMATION NO. 9818		
371 FORMALITIES LETTER		
 OC000000017031917		

Date Mailed: 09/16/2005

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 05/26/2005
- Copy of the International Search Report filed on 05/26/2005
- Copy of Annexes to the IPER filed on 05/26/2005
- Information Disclosure Statements filed on 08/02/2005
- Oath or Declaration filed on 05/26/2005
- Request for Immediate Examination filed on 05/26/2005
- U.S. Basic National Fees filed on 05/26/2005
- Priority Documents filed on 05/26/2005

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

A copy of this notice **MUST** be returned with the response.

PATRICIA A BOOKER

Telephone: (703) 308-9140 EXT 204

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/536,545	PCT/US04/27011	20518/51 (S-8500)

FORM PCT/DO/EO/905 (371 Formalities Notice)